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PRELIMINARY SUPPLEMENT PART II

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JANUARY - MARCH, 1940

CONSOLIDATED TABLES OF CONTENTS

OF THE REPORTS OF THE

**MASSACHUSETTS JUDICATURE COMMISSION
OF 1919-1920**

AND

**OF THE FIFTEEN REPORTS
OF THE**

**JUDICIAL COUNCIL OF MASSACHUSETTS
1924-1939**

AND

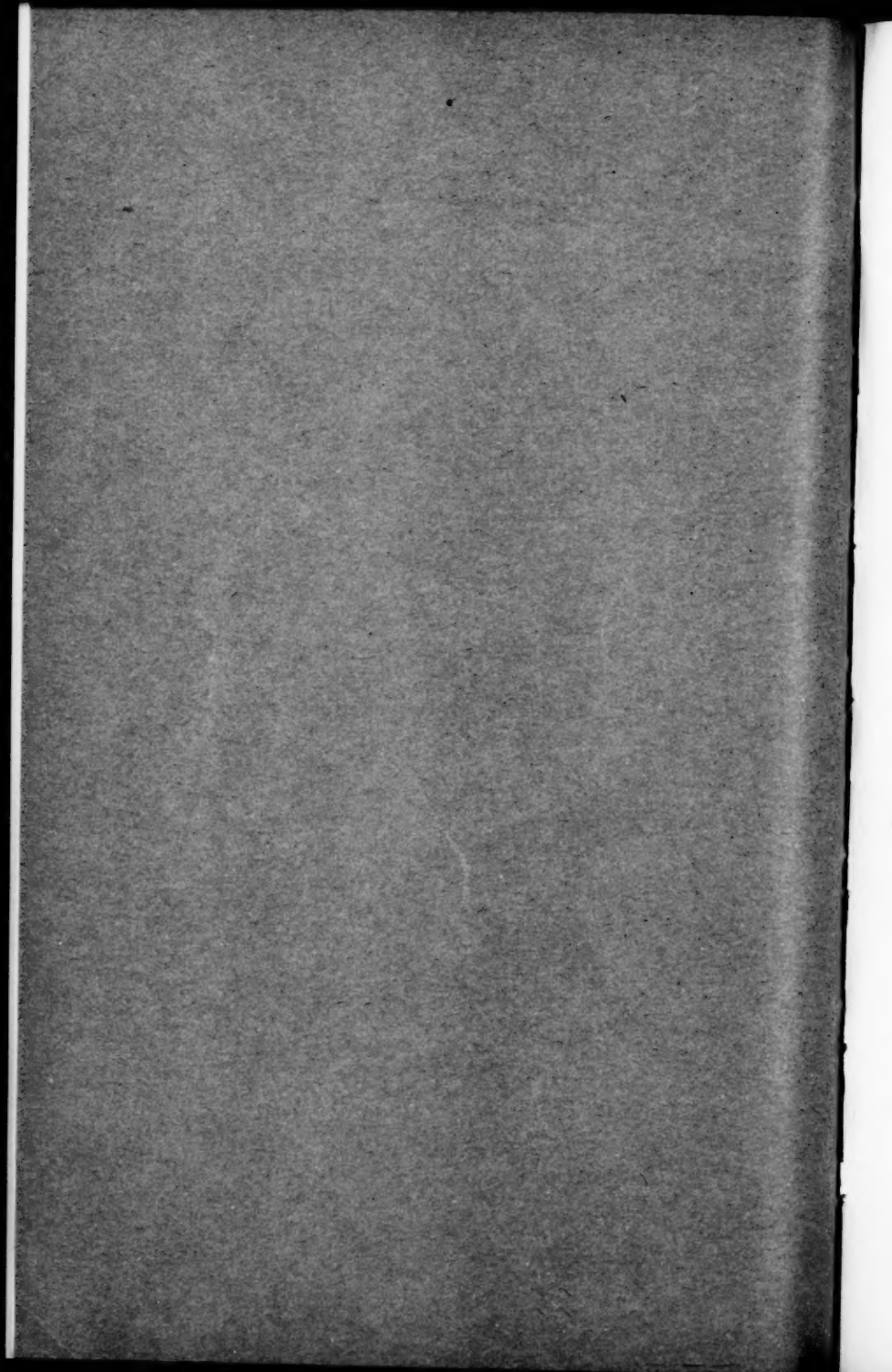
**A LIST OF REPORTS OF COMMISSIONS AND
COMMITTEES, REFERENCES TO ARTICLES, ETC.,
RELATING TO THE DEVELOPMENT OF MASSACHU-
SETTS COURTS AND PRACTICE SINCE 1780**

NOTICE

In Appendix A of the Fourteenth Report of the Judicial Council (pages 43-73), appeared an account of the history of the Judicial Council and the results of its work. To supplement that account, these tables of contents are printed. They, as well as the appendix to the Fourteenth Report, are likely to be found of value to the bench and bar as a *guide to material not found elsewhere, but bearing directly on problems in practice* because they contain references to much statutory history.

The reports of the Council are obtainable at the Public Document Room at the State House. References are given herein to the number of the *Massachusetts Law Quarterly* in which each report was reprinted so that those who keep the back numbers of the *Quarterly* can find the reports readily.

The consolidated contents of volumes 1 to 23 of the *Massachusetts Law Quarterly* from 1915-1939, in the issue for October-December, 1938, contains references to many other discussions of matters relating to the history of courts and practice. This has also been reprinted in a separate pamphlet which may be obtained from the secretary of the Massachusetts Bar Association, 60 State St., Boston.



THE CONSOLIDATED TABLE OF CONTENTS OF THE
REPORTS OF THE MASSACHUSETTS JUDICATURE
COMMISSION IN 1919-1920 AND OF THE
FIRST FIFTEEN REPORTS OF THE
JUDICIAL COUNCIL OF MASSACHUSETTS
FROM 1924-1939

In Appendix A of the Fourteenth Report of the Judicial Council (pages 43-73), appeared an account of the history of the Judicial Council and the results of its work. To supplement that account, the following tables of contents are printed. They, as well as the appendix to the Fourteenth Report are likely to be found of value to the bench and bar as a *guide to material not found elsewhere, but bearing directly on problems in practice* because they contain references to much statutory history.

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- 1780.**—Debates of Constitutional Convention of 1780.
- 1798.**—Rep. of Legislative Committee on Judicial System, in Boston Public Library (reprinted II M. L. Q., pp. 478, 479, referring to a report of a "Revising Committee" in 1788).
- 1803-04.**—Correspondence between Theodore Sedgwick and Harrison Gray Otis, and a Letter of the Justices to Governor Strong in 1804 (reprinted II M. L. Q., May, 1917, pp. 498-506).
- 1808.**—Rep. of Legislative Committee (Joseph Story, chairman) recommending Equity Jurisdiction.
- 1810.**—Pamphlet by Erastus Worthington relative to Equity Jurisdiction.
- 1820.**—Debates of the Constitutional Convention of 1820.
- 1827.**—Letter of Chief Justice Parker, Jan., 1827, to the Senate Judiciary Committee on Equity Jurisdiction (Legislative Documents, 1827, Senate, pp. 37-42).
- 1830.**—Howe's Massachusetts Practice.
Chief Justice Shaw's Address to the Berkshire Bar (describing practice prior to 1800).
(Reprinted M. L. Q., Sept. 16, 1930 (Special number) cf. M. L. Q., May, 1917, p. 474.
- 1836.**—Rep. of the Commissioners on the Revised Statutes.
- 1837.**—Rep. on Trial by Jury in Questions of Personal Freedom, House 51 of 1837.
- 1839.**—An Account of the First Municipal Court of the Town of Boston, 2 Law Reporter, No. VIII, pp. 225-228.
- 1840.**—Governor Morton's Inaugural Address.
Washburn's "Judicial History of Massachusetts" (Published, 1840).
- 1844.**—Rep. of Commissioners on the Penal Code (not adopted).
- 1845.**—Colby's "Massachusetts Practice."
- 1849.**—Remarks on "An Act to Establish the Superior Court of the City of Boston," by Citizen. (Pamphlet printed by John Wilson.)
- 1851.**—Rep. of Commission on the Practice Act (reprinted in Hall's "Massachusetts Practice").
Rep. of Joint Special Committee on this Report (Senate Doc. 74, 1851).
- 1853.**—Supplementary Report of the Same Commission on Equity Practice (Senate Doc. 67, 1853).
Debates in the Constitutional Convention of 1853.
- 1856.**—Abstracts of Returns of Criminal Cases Tried before Justices of the Peace and Police Courts for the Year 1856 and Moneys Received by Various Officials, Prepared by Francis DeWitt, Secretary of the Commonwealth.
- 1859.**—Rep. of Joint Legislative Committee recommending Creation of the Superior Court, etc. (House Doc. 120, 1859).
Horace Gray's Article on the Power of the Legislature to Create and Abolish Courts, 21 Law Reporter, 65. Extract reprinted in Appendix to 2nd Report of the Judicature Commission of 1919-20.
- 1875.**—Rep. of Committee on County Expenditures, House 18 of 1875 (on the fees of Justices of the Peace and Trial Justices).
- 1876.**—Rep. of Commission on the Expediency of Revising the Judicial System (Pub. Doc. 32, 1877).
- 1885.**—Introduction to Aldrich's "Equity Pleading and Practice," containing chronological account of statutes on equity jurisdiction.
- 1886.**—Rep. of Joint Legislative Committee on Judicial System (Senate Doc. 10, 1887).
- 1892.**—Rep. of Special Committee on Expediency of Revising the Judicial System (Senate Doc. 31, 1893).

- 1893.**—Majority and Minority Reports of Commission on Land Registration (House Doc. 250, 1894).
- 1897.**—Rep. of Alfred Hemenway, Esq., Commissioner, of the Draft Act establishing the Land Court.
- 1898.**—Rep. of Commission on Simplification of Criminal Pleading (Senate Doc. 234, 1899).
- 1904.**—Rep. of Special Committee on Compensation of State and County Officials (House Doc. 175, 1904).
- 1909.**—Rep. of Commission on the Causes of Delay in the Administration of Justice (House Doc. 1050, 1910).
"The Failure of the Appeal System," a pamphlet by H. T. Lummus (containing a historical study of the district courts).
- 1910.**—Rep. of the Legislative Committee of the Massachusetts Bar Association on the Above Report (I Mass. Bar Assoc. Reports, pp. 93-113).
Discussion of both of the reports (I Mass. Bar Assoc. Rep., pp. 41-92).
- 1912.**—Rep. of the Committee on Compensation for Industrial Accidents.
Rep. of the Special Commission on the Inferior Courts of Suffolk County (House Doc. 1638, 1912).
- 1913-1915.**—Massachusetts Bar Association Reports, Vols. I-V, and reports of its Committee on Legislation for the year 1913 with notes on the book account statute, St. 1913, Chap. 288, and the act to simplify legal procedure, St. 1913, Chap. 716; discussions of a proposal for a separate equity division of the Supreme Judicial Court.
Report of 1914 containing discussions of an elective judiciary; the sittings of the Supreme Judicial Court; the simplified procedure act of 1913; extended discussion of civil appeals in district courts; contingent remainders and admission to the bar.
Report of 1915: Further discussion of the Supreme Judicial Court; the need of statistics as to the work of courts, admission to the bar, contingent remainders, poor debtor law, legislative procedure and drafting, appraisers, etc.
- 1916.**—Judicial History in Massachusetts Prior to 1780 by the late Albert Mason, Chief Justice of the Superior Court (reprinted II M. L. Q., p. 82).
- 1917.**—Probation as an Orthodox Common Law Practice in Massachusetts Prior to the Statutory System, M. L. Q., Aug., 1917, reprinted for the National Probation Association.
Rep. of the Special Commission to Consider Abolishing the Trial Justice System (Senate Doc. 347, 1917).
Rep. of the Municipal Court of the City of Boston to the City Council.
Constitutional History of the Supreme Judicial Court of Massachusetts from the Revolution to 1813 (II M. L. Q. for May, 1917, cf. III M. L. Q., p. 332, and VI M. L. Q., p. 1).
Debates of Constitutional Convention of 1917-18.
- 1918.**—Rep. of Special Committee of Executive Council on standardization of salaries in the state service (House No. 1175, 1918, Part II, p. 67 et.).
Statistics as to Population, volume of business and salaries of officials of district courts, compiled by Henry T. Lummus, Jan., 1918.
- 1919.**—Rep. of Supervisor of Administration (House, 1175, 1918, Part II, p. 67).
- 1920.**—Rep. of Attorney General and Insurance Commissioner as to Motor Vehicle Accidents (Sen. 322 of 1920).
- 1922.**—Rep. of Commission on Bail.
- 1923.**—Statistics of District Court Business from Jan., 1916, to Oct., 1923, by the Administrative Committee of the District Courts.
Rep. of Commission on Jury Service, Sen. 41, 1923.
- 1924.**—Rep. of Special Commission on Criminal Law, H. 224, 1924.
Rep. of Commission on Probation on The Permanent Results of Probation, Sen. 431, 1924. M. L. Q., July, 1924.
- 1925.**—Rep. of Joint Special Legislative Committee on Motor Vehicle Problems, Sen. 285, 1925.

- 1930.—Rep. of Special Commission on Compulsory Motor Vehicle Liability Insurance and Related Matters, Sen. 280, 1930 (M. L. Q., Feb., 1930).
- 1933.—Rep. of Joint Committee on Public Expenditures, H. 1250, 1933, Part III (M. L. Q., Feb., 1933).
There were some recommendations of Federation of Taxpayers Associations this year.
- 1934.—Rep. of "Crime" Commission (Sen. 125, 1934, M. L. Q., Jan., 1934).
Rep. of "Wragg" Commission on Public Expenditures, Sen. 250, 1934, M. L. Q., Feb., 1934.
Rep. of Committee of Boston Bar Assoc. on Methods of Selecting Jurors, M. L. Q., Nov., 1934, Boston Bar Bulletin No. 93 Supplement.
- 1935.—Rep. of Committee of Boston Chamber of Commerce (M. L. Q., Feb., 1935).
- 1936.—Rep. of Special Commission on Judicial System (H. 1750 of 1936, M. L. Q., May, 1936).
Judge Zottoli's Article on "The Volume of Crime—Problems of Reduction," Law Society Journal for May, 1936.
Warner & Cabot "Judges and Law Reform."
- 1938.—Rep. of Committee of the Boston Bar Assoc. on Judicial System (Bar Bulletin No. 137, Feb., 1938; M. L. Q., Prelim. Supp. for April-June, 1938).
Rep. of Judiciary Committee (H. 1719, 1938, M. L. Q., Prelim. Supp. for April-June, 1938).
- 1939.—Rep. of "Massachusetts Child Council" on Juvenile Delinquency (cf. M. L. Q., Oct.-Dec., 1939, 15).

Other References

The reports from time to time of the Committee on Law Procedure of the Association of Justices of District Courts, the circular letters of the Administrative Committee of District Courts since its creation in 1922, and various reports of the Boston Finance Commission have also contained suggestions about the courts.

An article by Edwin H. Woodruff on, "The History of Chancery Jurisdiction in Massachusetts," which first appeared in 5 Quarterly Review, was reprinted in B. U. Law Rev. for June, 1929 (cf. "Select Essays in Anglo-American Legal History," Vol. I, p. 367). "The Judicial History of Massachusetts" by Wm. T. Davis appeared in 1899.

The Consolidated Contents of Volumes 1 to 23 of the Massachusetts Law Quarterly from 1915-1939, in the issue for October-December, 1938, contains references to many other discussions of matters relating to the judicial system.

The "Bar Bulletin" of the Boston Bar Association since its beginning in January, 1924, and the Law Society Journal of the Law Society of Massachusetts, since its beginning in 1929, the Boston University Law Review and the Harvard Law Review, also contain other material bearing on the courts and practice of Massachusetts.

The Memoir of Chief Justice Theophilus Parsons by his son contains information about the courts before and after 1806, when he was appointed Chief Justice (without notice) to start modern methods of administration. This volume also contains "The Essex Result", a rare pamphlet which contributed to the defeat of the draft constitution submitted by the legislature in 1778, and formed part of the background of the work of John Adams for the Constitutional Convention of 1779-1780.

An act to reduce the salaries of the Supreme Judicial Court, (St. 1843, Chap. 9) was discussed in an article by Peleg W. Chandler in 1843, 6 Law Reporter 241 and note p. 332; Inaugural address by Governor Briggs, January 10th, 1844, St. 1844, Chap. 24; cf. Veto by Governor Bowdoin, original Legislative Journal of 1787.

The foregoing list is not complete. Suggestions of additions will be welcomed and should be sent to the Secretary of the Judicial Council, 60 State Street, Boston.

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